

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.14352 to 14361 of 2017

R.Mohan	... Petitioner in W.P.14352 of 2017
R.Saravanadoss	... Petitioner in W.P.14353 of 2017
M.Jeyaseelan	... Petitioner in W.P.14354 of 2017
R.Guru	... Petitioner in W.P.14355 of 2017
A.Sangeetha	... Petitioner in W.P.14356 of 2017
V.Selvaraj	... Petitioner in W.P.14357 of 2017
T.Sakthivel	... Petitioner in W.P.14358 of 2017
P.Johnson	... Petitioner in W.P.14359 of 2017
C.Gajendran	... Petitioner in W.P.14360 of 2017
V.Vivekanandan	... Petitioner in W.P.14361 of 2017

-Vs-

1. The State of Tamil Nadu
rep.by the Principal Secretary to Government
School Education Department
Secretariat
Chennai 600 009
2. The Director of School Education
College Road, Nungambakkam
Chennai 600 006
3. The Joint Director of School
Education (Personnel)
College Road
Chennai 600 006
4. The Chief Educational Officer
Cuddalore, Cuddalore District
... Respondents 1 to 4 in all the W.P's
5. The District Educational Officer
Vridhachalam, Cuddalore District
... Respondent No.5 in W.Ps.14352,
14356, 14358 & 14360 of 2017
6. The District Educational Officer
Cuddalore, Cuddalore District
... Respondent No.5 in W.Ps.14353 to
14355, 14357, 14359 & 14361 of 2017

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the order passed by him in G.O.Ms.No.47, School Education Department dated 2.3.2012 and quash the same in so far as the fixation of lesser salary to the post of Sanitary Worker in the pay scale of Rs.1300-3000 and G.P.300 and consequently direct the respondents to fix the salary for the petitioner in the scale of pay of Rs.4800-10000+Rs.1300 G.P. applicable to the basic service on par with the post of Watchman selected and appointed in the common selection as per the Government Order from the date of initial appointment with consequential and other attendant benefits including arrears of salary with interest, within a time frame to be fixed by the Hon'ble Court.

For Petitioners : Mr.V.Thirupathi

For Respondents : Mr.P.Sanjay Gandhi
Additional Government Pleader

ORDER

The petitioners have come to this Court seeking issuance of a writ of certiorarified mandamus, to call for the records on the file of the first respondent in connection with the order passed by him in G.O.Ms.No.47, School Education Department dated 2.3.2012, quash the same in so far as the fixation of lesser salary to the post of Sanitary Worker in the pay scale of Rs.1300-3000 and G.P. 300 with a consequential direction to the respondents to fix the salary of the petitioner in the scale of pay of Rs.4800-10000+Rs.1300 G.P. applicable to the basic service on par with the post of Watchman selected and appointed in the common selection as per the Government Order from the date of initial appointment with consequential and other attendant benefits including arrears of salary with interest, within a time frame to be fixed by the Hon'ble Court.

2. It is the case of the petitioners that although they were selected and appointed to the post of Sanitary Worker in the Government High Schools, Cuddalore District through Employment Exchange, which is on par with the post of Watchman with reference to conditions of service, their grievance is that lesser pay scale was fixed for the Sanitary Worker, as per G.O.Ms.No.47, School Education Department dated 2.3.2012. Therefore, the petitioners have given representations on 11.3.2016 to the first respondent seeking for fixation of salary in the scale of pay of Rs.4800-10000+GP 1300 applicable to the basic service on par with the Watchman selected and appointed in the common selection as per the Government Order dated 2.3.2012 from the date of initial appointment. Since the representations have not been disposed of, they have come to this Court seeking

for the aforementioned relief. Learned counsel for the petitioners has also submitted that when the aforementioned Government Order was questioned by similarly placed persons in W.P.Nos.42177 to 42186 of 2016, this Court, by dated 1.12.2016, directed the first respondent to pass appropriate orders on the representation within a period of sixteen weeks. Therefore, he prayed for a similar relief.

3. Mr.P.Sanjay Gandhi, learned Additional Government Pleader, taking notice on behalf of the respondents, sought time to consider and dispose of the pending representations.

4. Under similar circumstances, this Court in W.P.Nos.42177 to 42186 of 2016 dated 1.12.2016 (N.Meena & others v. State of Tamil Nadu represented by the Principal Secretary to Government, School Education Department and others) has directed the first respondent to consider the representation of similarly placed persons, by observing as follows:-

"5. It is seen from the records that the petitioners have been appointed as sanitary workers and the appointment is through common selection by calling the list from the Employment Exchange. Fixation of salary alone has varied. In this regard, the petitioners have given a representation on 20.8.2015 and therefore, the first respondent is directed to pass appropriate orders on the representation of the petitioners dated 20.8.2015 within a period of sixteen weeks from the date of receipt of a copy of this order. Accordingly, all the writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed."

5. In view thereof, the first respondent is hereby directed to pass appropriate orders on the representations of the petitioners within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the writ petitions are disposed of. Consequently, W.M.P.Nos.15572 to 15581 of 2017 are closed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

SS

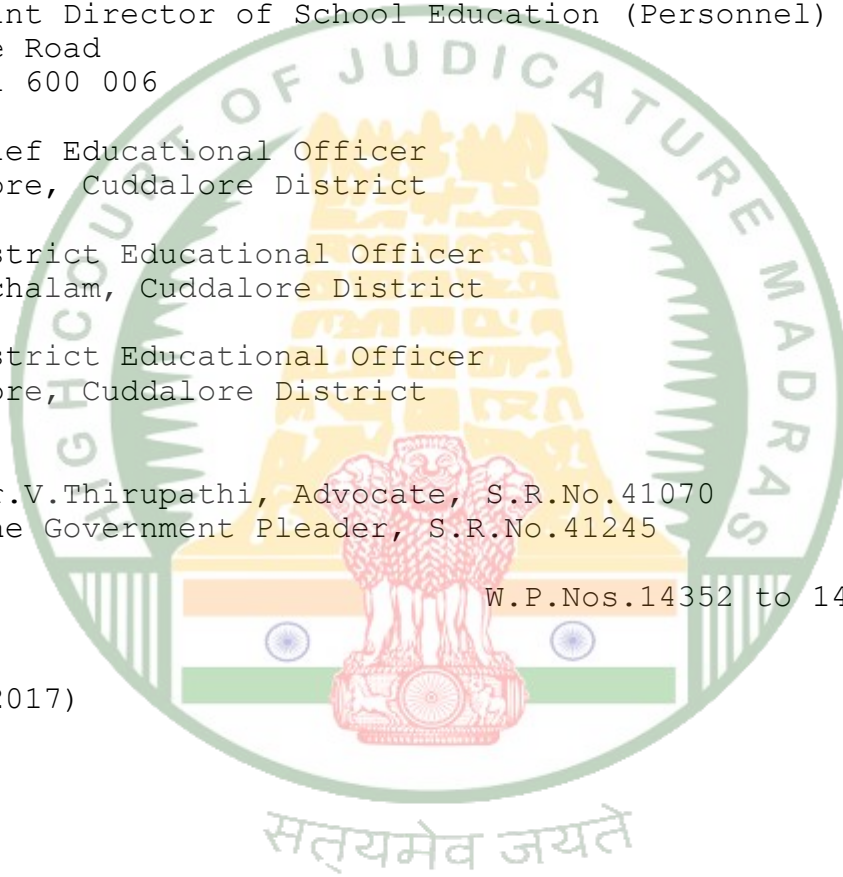
To

1. The Principal Secretary to Government
School Education Department
Secretariat
Chennai 600 009
2. The Director of School Education
College Road, Nungambakkam
Chennai 600 006
3. The Joint Director of School Education (Personnel)
College Road
Chennai 600 006
4. The Chief Educational Officer
Cuddalore, Cuddalore District
5. The District Educational Officer
Vridhachalam, Cuddalore District
6. The District Educational Officer
Cuddalore, Cuddalore District

+1cc to Mr.V.Thirupathi, Advocate, S.R.No.41070
+1cc to the Government Pleader, S.R.No.41245

W.P.Nos.14352 to 14361 of 2017

MP (CO)
CA(27/06/2017)



WEB COPY